

FINAL PROPOSAL
Immunity

1 **12-20-402. [Formerly 12-36-118 (3)(b)] Immunity.** (1) THE DIRECTOR, any member
2 of ~~the~~ A board OR COMMISSION, any member of the ~~board's~~ REGULATOR'S staff, any person
3 acting as a witness or consultant to the ~~board~~ REGULATOR, AND any witness testifying in a
4 proceeding authorized ~~under this part 1, and any person who lodges a complaint pursuant~~
5 ~~to this part 1 shall be~~ BY THE PART OR ARTICLE OF THIS TITLE 12 GOVERNING A PARTICULAR
6 PROFESSION OR OCCUPATION IS immune from liability in any civil action brought against him
7 or her for acts occurring while acting in his or her capacity as DIRECTOR, board OR
8 COMMISSION member, staff, consultant, or witness, respectively, if ~~such~~ THE individual:
9 (a) Was acting in good faith within the scope of his or her respective capacity;
10 (b) Made a reasonable effort to obtain the facts of the matter as to which he or she
11 acted; and
12 (c) Acted in the reasonable belief that the action taken by him or her was warranted
13 by the facts.
14 (2) Any person participating in good faith in ~~the~~ making of OR LODGING a complaint
15 or report or participating in any investigative or administrative proceeding pursuant to ~~this~~
16 ~~section shall be~~ THE PART OR ARTICLE OF THIS TITLE 12 GOVERNING A PARTICULAR
17 PROFESSION OR OCCUPATION IS immune from any CIVIL OR CRIMINAL liability ~~civil or~~
18 ~~criminal, that otherwise might~~ MAY result ~~by reason of such~~ FROM THAT participation.
19 (3) THIS SECTION DOES NOT APPLY TO ARTICLES **125, 140, 150, AND 250** OF THIS TITLE
20 12 CONCERNING FANTASY CONTESTS, NONTRANSPLANT TISSUE BANKS, PASSENGER
21 TRAMWAYS, AND NATUROPATHIC DOCTORS, RESPECTIVELY.